



April 8, 2013

Mr. Helder Gil, Legislative Affairs Specialist
Department of Consumer and Regulatory Affairs
1100 Fourth Street, SW, Room 5164
Washington, D.C. 20024

Dear Mr. Gil:

As owner of Feelin' Crabby Food Truck, I am pleased for the opportunity to provide comments on the Notice of Fourth Proposed Rulemaking for a new Chapter 5 (Vendors) of title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations.

I grew up in Montgomery County Maryland and went to culinary school at Baltimore International College after high school. Over the past few years I have worked at local restaurants including The Wine Market in the Locust Point neighborhood in Baltimore, MD and Cava Mezze on Capitol Hill. I later moved to Washington State to work for James Beard Award winner and Iron Chef Tom Douglas. I had a dream to open a restaurant in DC by the time I turned 24 years old. In October of 2010 I returned to DC and realized that my best path to restaurant ownership was to begin with a food truck. Some of my potential investors were concerned for my business plan because of the regulatory uncertainty associated with the current regulations. But I was and still am a hopeful optimist that the DCRA would update and modernize the regulations and that the DC councilmembers and the Mayor who represent the citizens in DC would pass new regulations.

The DC vendor regulations need to change. The obsolete rules on the books were designed for the ice-cream trucks of a past generation and state that food trucks must close and leave their location if no one is waiting in line.

I have supported previous proposed rules. However, I am deeply disappointed in the proposed regulations set forth in the Notice of Fourth Proposed Rulemaking.

The proposed regulations would restrict food trucks in the most popular locations by assigning a limited number of spaces through a monthly lottery system. The proposed rules will also ban food trucks from operating within 500 feet of these lottery-assigned spaces and on streets where there is less than 10 feet of unobstructed sidewalk. In effect, the lottery system will result in dozens of food trucks who don't win the lottery being shut down for an entire month because there will be a very limited number of viable places to vend other than the lottery-assigned spaces.

A lottery assignment method for a critical input is antiquated and ill-advised. Who can be expected to run a business based on a random number lottery system? The locations we serve are well developed - with hundreds of loyal customers at each location. Losing those locations - because only a handful of trucks are allowed at Farragut Square, Franklin Park or L'enfant Plaza through a lottery process would severely cripple my business. It may seem that a lottery process is fair since all applicants have the same chance of winning in the long run. The trouble is in the words "in the long run". Since valuable spaces are limited and there will be excess demand for them, a fair assignment mechanism must be employed that allows ALL licensed food truck access to the spaces. Using a simple rotation mechanism is much fairer in the short, medium and long term.

The food truck ban within 500 feet of lottery-assigned spaces is arbitrary and will be both difficult to measure and enforce. Likewise the 10 feet of unobstructed sidewalk rule effectively serves as the knockout punch to all food trucks operating in the District of Columbia. The combination of these rules severely and unnecessarily limit parking spaces in the neighborhoods where the customers are. I personally measured several sidewalks and find that in each location where I currently do business I will be unable to continue to serve my customer base. I know that it is not your intention to cripple my business and that creating fair and reasonable regulations for new businesses is difficult but I hope that you will consider more modern methods of assigning spaces and will lift unnecessary sidewalk width restrictions.

Ultimately, the consumers win when food trucks are allowed to flourish. I applaud your agency's continued efforts to update these regulations. I hope that you will work to improve the regulations using simple and effective ways to meet competing objectives of public safety and consumer choice.

Sincerely,

Alex Tsamouras
Owner, Feelin' Crabby